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UNCLAS SOFIA 001748

SIPDIS

SENSITIVE

STATE FOR L/LEI (JACOB COGAN) AND EUR/NCE (SCOTT BRANDON),
DOJ/OIA (DEBORA CARUTH, ANDREA TISI).

E.O. 12958: N/A

TAGS: [PREL](#) [ASEC](#) [CASC](#) [KCRM](#) [KJUS](#) [BU](#)

SUBJECT: BULGARIA REQUESTS NEW EXTRADITION TREATY

REF: (A) SOFIA 377, (B) 04 SOFIA 1196, (C) 04 SOFIA 958, (D)
04 STATE 112230, (E) 04 STATE 75315, (F) 04 SOFIA 700

1. (U) This is a guidance request; please see paragraph 6.

2. (SBU) Post has received an official request from the Ministry of Foreign Affairs to begin negotiations on a revised extradition treaty. Political and Consular officers raised the issue in consultations with MFA counterparts last week. The written response, received 11 October, reads: "The Ministry of Foreign Affairs and especially Ministry of Justice formally reaffirm [their] long standing request to the USA Government to begin as soon as possible negotiations on an updated extradition treaty."

3. (SBU) In our discussions with MFA last week, we also requested an indication of GoB's position on a possible Mutual Legal Assistance Treaty (MLAT). The written response did not address this, but a non-committal response was provided by email: "We believe that updating the legal basis between our states will affect positively the mutual legal cooperation and legal assistance in the field of criminal law between Bulgaria and the U.S." In separate discussions last week, Deputy Interior Minister Boiko Kotsev, however, asserted that an MLAT would not satisfy the MoI's need for a formal protocol on sharing operational information. He stated that, with or without an MLAT, a separate MoU would be required to address Bulgarian law.

4. (SBU) FBI, Consular, RSO, and DoJ have all identified an updated extradition treaty as a high priority. The current treaty, signed in 1924 and last updated in 1935, is valid only for a list of enumerated offenses which do not include narcotics, child abduction, or human trafficking. In addition, the current treaty does not obligate Bulgaria to extradite its own nationals. An updated treaty would allow the U.S. to take advantage of Bulgaria's February 2005 constitutional amendment allowing extradition of Bulgarian nationals pursuant to international treaty.

5. (SBU) COMMENT: GoB contacts at the Ministries of Foreign Affairs and Justice are aware of the significance of the upcoming meeting between Presidents Bush and Parvanov, and are willing to work with the USG on a possible announcement of negotiations in advance of this meeting. The GoB seems less prepared to move forward immediately on an MLAT. In addition, following Deputy Minister Kotsev's comments on the exchange of operational information, it appears that a specific agreement on that topic is being requested. END COMMENT

6. (SBU) Post requests the Department's guidance regarding possible announcement of the intention to begin negotiations on a new extradition treaty in light of the upcoming presidential visit.

BEYRLE